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ALLIANCE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
ROBERT T. MATSUI FEDERAL COURTHOUSE

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

KATHLEEN ALLISON, in her
official capacity as Secretary
of the California Department of
Corrections and Rehabilitation,

Defendants.

COUNTY OF AMADOR, a public
agency of the State of
California,

Plaintiff,

v.

KATHLEEN ALLISON in her
official capacity as Secretary
of the California Department of
Corrections and Rehabilitation;
PATRICK COVELLO in his official
capacity of Warden of
California Department of
Corrections and Rehabilitation

Case No. 2:20-cv-02482-WBS-AC

DECLARATION OF EDMUND TAYLOR
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
ADJUDICATION

No. 2:21-cv-0038-WBS-AC

Date: August 22, 2022

Time: 1:30 p.m.

Court: 5

Action Filed: Jan. 7, 2021

Trial Date: April 18, 2023

1 Mule Creek State Prison,
2 Defendants.

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8 COUNTY OF AMADOR
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1 I, Edmund Taylor, make this declaration from personal
2 knowledge. If called, I could and would testify competently as
3 follows:

4 1. I am now, and have been since at least 2020 a member of
5 California Sportfishing Protection Alliance ("CSPA"), the
6 plaintiff in the above-captioned matter.

7 2. My wife and I own an approximately 540-acre ranch in
8 Ione, California, on which we live and work. We purchased the
9 ranch in March of 2018, but have been farming the land since
10 March of 2017. The ranch is located approximately three miles
11 south of the Mule Creek State Prison and has been in my wife's
12 family since 1956.

13 3. On the ranch, we grow approximately 150 acres of hay
14 and raise livestock, including several thousand chickens and
15 turkeys, and several hundred sheep and pigs, annually. We also
16 lease a portion of our grazing lands to local cattle owners to
17 graze cattle.

18 4. The revenue derived from ranch operations is our sole
19 source of income for the farming business that we operate on the
20 land, after we pay our employees, operating costs, taxes and
21 other business expenses. In other words, the health and
22 wellbeing of the crops and animals that we cultivate directly
23 impacts our livelihood. We have 1.5 full-time employees,
24 including a farm manager who lives on the ranch.

25 5. There are two sources of irrigation water at the ranch.
26 The primary source is pumped from Dry Creek. The other source is
27 pumped from wells on the property. Water pumped from Dry Creek
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1 is used to irrigate approximately 200 acres of hay fields. Well
2 water supplements these uses.

3 6. We emphasize regenerative agricultural practices on our
4 ranch. One of the main tenets of regenerative agriculture is to
5 do no harm to the land. Instead, we employ farming techniques
6 that actually improve soil health and biodiversity. This results
7 in a more sustainable ranch, improves farming yields, a
8 regenerative food system and healthy natural ecosystems. To
9 accomplish this, we ensure that our soils are never bare, and
10 that suitable cover crops are planted to replenish soil nutrients
11 and prevent erosion. Integration of livestock through management
12 intensive grazing increases ecosystem benefits, enhances
13 resilience of the grazed lands, and increases both soil carbon
14 and soil nitrogen stocks. Clean water is a keystone to the
15 holistic management of our ranch. Without clean water, every
16 aspect of our operation is threatened.

17 7. My wife and I eat meat from the animals raised on the
18 ranch (chicken, pork and lamb) very often.

19 8. I am very familiar with the watershed within which our
20 ranch is located. I have walked, swam, fished and hunted along
21 Dry Creek and on our ranch for 30 years.

22 9. I am aware that Mule Creek is situated directly
23 upstream of, and is a tributary to, Dry Creek. In places, Dry
24 Creek, and the waters that flow into it, are a part of our ranch.
25 Our ranch borders an approximately three-quarter mile section of
26 Dry Creek, and completely engulfs an approximately one-half mile
27 section elsewhere. I am aware that in 2016, during a period of
28

1 heavy rainfall, Dry Creek flooded approximately 150-250 acres of
2 the ranch.

3 10. I regularly - on an almost daily basis - walk along the
4 stretch of Dry Creek that intersects and adjoins our ranch. I
5 take these walks for work (checking the fields, animals and
6 irrigation systems that abutting Dry Creek) and for pleasure.
7 During these walks, I enjoy observing the plants and animals of
8 Dry Creek, such as herons, egrets, dove, quail, duck, turkey
9 deer, bobcats, wild pigs, frogs, snakes, geese, fish and bats. I
10 have also observed a beaver and several new beaver dams in Dry
11 Creek. Occasionally, I wade and swim in Dry Creek and allow my
12 dogs to do so as well.

13 11. Based on my observations of Dry Creek, my experience
14 has been that Dry Creek runs year-round, though in summer months
15 its flow is considerably reduced. I have seen Dry Creek running
16 during the summer months.

17 12. I am familiar with the Mule Creek State Prison. It is
18 located approximately three miles north of my ranch. I am aware
19 that the prison discharges storm water collected at the prison to
20 Mule Creek.

21 13. I have read the November 1, 2019 report entitled
22 "Revised Stormwater Collection System Investigation Report of
23 Findings" prepared by SHN on behalf of the prison. This report
24 describes hundreds of defects found in the prison's storm water
25 collection system and sanitary sewer system. The report also
26 describes that both systems are aging, and are located in close
27 proximity to each other. I am also aware that the Regional Board
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1 has collected samples from the prison's storm water system that
2 the Regional Board characterized as "grey water, sewage, or a
3 mixture" based on the pollutants they found in those samples.

4 14. It is my understanding that untreated and inadequately
5 treated sewage from sanitary sewer systems can contain numerous
6 pollutants.

7 15. I understand that Mule Creek State Prison discharges
8 storm water and non-storm water into Mule Creek, and that these
9 discharges contain very high levels of pollutants, including
10 bacteria, metals, and pharmaceuticals. I am concerned that those
11 pollutants come into contact with the crops that I grow on the
12 ranch. I am also concerned that those pollutants are ingested by
13 the livestock that I raise.

14 16. I am concerned that Mule Creek State Prison's
15 discharges of pollutants into Mule Creek reduce the quality of
16 the hay and livestock that I grow and sell. Using polluted water
17 to irrigate is antithetical to regenerative farming practices and
18 threatens my ability to farm in a way that benefits me and the
19 land. I am also concerned that the property value of the ranch
20 could be diminished because the ranch's primary source of
21 irrigation is routinely polluted by discharges from Mule Creek
22 State Prison; without a clean source of water with which to
23 irrigate, the ranch cannot properly realize its highest economic
24 value.

25 17. I am also concerned that Mule Creek State Prison's
26 continuing discharges of pollutants into Mule Creek will require
27 expensive filtration technology, such as settlement tanks,
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1 particulate filters and ionization treatment to make the water
2 safe for regenerative ranching purposes.

3 18. Mule Creek State Prison's discharges of pollutants into
4 Mule Creek also negatively impacts how I recreate on the ranch. I
5 regularly hunt duck, dove, and quail on the ranch. I am concerned
6 that the animals that I hunt are ingesting the chemicals and
7 pollutants discharged from Mule Creek State Prison, because they
8 also rely on the waters downstream of the prison's discharges. As
9 I have become aware of the various pollutants that have been, and
10 are being, discharged into Mule Creek, including the bacteria and
11 chemicals discharged by Mule Creek State Prison, I have begun to
12 reduce my consumption of the game animals that I hunt on the
13 property.

14 19. Mule Creek State Prison's pollutant discharges to Mule
15 Creek make their way into Dry Creek, and I am concerned that the
16 pollutants harm the birds, fish, and mammals that I like to
17 watch, for which I have a deep love and respect, and with which I
18 have a profound emotional attachment. The pollution caused by
19 Mule Creek State Prison prevents me from fully enjoying the
20 aesthetic and recreational activities that I regularly engage in
21 on my property.

22 20. Actions taken by Mule Creek State Prison to reduce or
23 eliminate the pollution it is currently discharging and to comply
24 with its water quality permits would alleviate my concerns about
25 the harms caused to my crops, livestock, property values, and my
26 aesthetic and recreational interests.

1 I swear under penalty of perjury under the laws of both
2 California and the United States that the foregoing is true and
3 correct and that this declaration was executed on June 27, 2022
4 at Ione, California.

5 

6
7 Edmund Taylor

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